

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GERALD LEE ARBUCKLE,

Plaintiff,

v.

Case No. 2:03-cv-107
HON. GORDON J. QUIST

W. COOLMAN, et al.,

Defendants.

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ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law.

THEREFORE, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge (Docket #79) is approved and adopted as the opinion of the Court.
2. Defendants' motion to dismiss and/or for summary judgment (Docket #63) is GRANTED. Plaintiff's access to courts claim is DISMISSED without prejudice for failure to establish exhaustion of grievance remedies. Plaintiff's claims regarding his misconduct ticket are DISMISSED with prejudice.
3. The Court can discern no good-faith basis for an appeal. Accordingly, an appeal of this action would not be taken in good faith.

Dated: December 12, 2006

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE